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U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION  
*Al*

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

COALITION OPPOSED TO ADDITIONAL SPENDING & TAXES ("COAST"), et al.	:	CIVIL CASE NO. C-1-01-659
	:	Judge Dlott
Plaintiffs,	:	
vs.	:	<u>DEFENDANTS' MOTION</u>
	:	<u>FOR EXTENSION OF TIME</u>
THE CITY OF CINCINNATI,	:	<u>AND AFFIDAVIT OF</u>
	:	<u>STEVEN KURTZ</u>
Defendant.	:	

Now comes Defendant City of Cincinnati, and pursuant to Rule 6.1 (b) of the Local Civil Rules of the United States District Court for the Southern District of Ohio, and for good cause shown, hereby moves this Court for an Order Extending Agreed Order entered on November 14, 2001 to February 29, 2004. On December 16, 2003, the City of Cincinnati Neighborhood and Public Services Committee of City Council was set to vote on the draft code. However, prior to the meeting, Council Member Pepper made a last minute change. The Chairperson of the Committee felt that she could not approve the change until it was studied and held off approval until the next meeting. The next City of Cincinnati Neighborhood and Public Services Committee of City Council is scheduled to take place on January 13, 2004.

The Zoning Code will become effective thirty days after its adoption. The estimated time for completion of all the previously described actions will be approximately February 29, 2004.

In support of this motion, the Affidavit of Steven A. Kurtz is attached .

Respectfully submitted,

**JULIA L. McNEIL (0043535)**  
City Solicitor



**RICHARD GANULIN (0025642C)**

Assistant City Solicitor  
Room 214, City Hall  
801 Plum Street  
Cincinnati, Ohio 45202  
(513) 352-3329  
FAX: (513) 352-1515  
richard.ganulin@cincinnati-oh.gov  
Counsel for Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was sent to Christopher P. Finney, counsel for plaintiff, at Finney, Stagnaro, Saba & Klusmeier, Co. L.P.A., 2623 Erie Avenue, P.O. Box 8804, Cincinnati, Ohio 45208 and to and David R. Langdon, co-counsel for plaintiff, at 11175 Reading Road, Suite 103, Cincinnati, Ohio 45241 this 24th day of December, 2003 by ordinary U.S. mail.



Richard Ganulin  
Assistant City Solicitor

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

COALITION OPPOSED TO  
ADDITIONAL SPENDING & TAXES,  
et al.

Plaintiffs,

vs.

THE CITY OF CINCINNATI,

Defendants.

: CASE NO. C-1-01-659

: (Judge Dlott)

:

:

AFFIDAVIT OF STEVEN A. KURTZ

:

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STATE OF OHIO )

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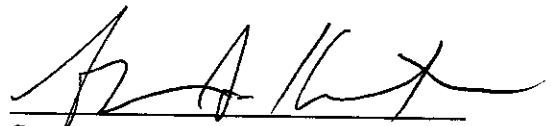
SS

COUNTY OF HAMILTON )

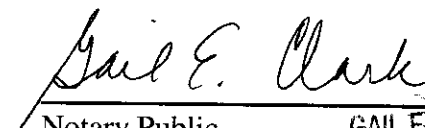
Steven A. Kurtz, being first duly cautioned and sworn, states and deposes as follows:

1. I am the Administrator of Land Use Management for the Community Development and Planning Department.
2. On December 16, 2003, the City of Cincinnati Neighborhood and Public Services Committee of City Council was set to vote on the draft code. However, prior to the meeting, Council Member Pepper made a last minute change. The Chairperson of the Committee felt that that she could not approve the change until it was studied and held off approval until the next meeting. The next City of Cincinnati Neighborhood and Public Services Committee of City Council is scheduled to take place on January 13, 2004.
3. The Zoning Code will become effective thirty days after its adoption. The estimated time for completion of all the previously described actions will be approximately February 29, 2004.

**FURTHER AFFIANT SAITH NAUGHT.**

  
Steven A. Kurtz

The foregoing instrument was sworn to before me and subscribed in my presence  
this 23<sup>rd</sup> day of December, 2003.

  
Notary Public

GAILE E. CLARK  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES 01/01/2006